



## CITY OF DULUTH

Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

### STAFF REPORT

File Number	PL 14-118	Contact	Steven Robertson; 218 730 5295	
Application Type	Rezoning from RR-1 to MU-C	Planning Commission Date		September 9, 2014
Deadline for Action	Application Date	August 11, 2014	60 Days	October 10, 2014
	Date Extension Letter Mailed	August 15, 2014	120 Days	December 9, 2014
Location of Subject		4602 West Arrowhead Road		
Applicant	Hunters Park Congregation/Jehovah's Witness	Contact		
Agent	Jacob Skidmore	Contact	srskid07@gmail.com	
Legal Description		010-2710-04440, 04445		
Site Visit Date		September 1, 2014	Sign Notice Date	August 26, 2014
Neighbor Letter Date		August 20, 2014	Number of Letters Sent	39

#### Proposal

The applicants are requesting that the City change the zoning of two of their three parcels, from RR-1 to MU-C.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1	Religious Assembly	Auto-Orientated Commercial
<b>North</b>	MU-C	Undeveloped/Religious Assem.	Business Park
<b>South</b>	RR-1	Residential	Urban Residential
<b>East</b>	RR-1	Undeveloped	Preservation
<b>West</b>	MU-B	Commercial	Auto-Orientated Commercial

#### Summary of Code Requirements (reference section with a brief description):

UDC Sec. 50-37.3.A: Any property owner may petition the planning commission to amend the district boundaries in which the property is located.

UDC Sec. 50-37.3.B: Planning commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.

UDC Sec. 50-37.3.C: The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the application:

1. Is consistent with the Comprehensive Land Use Plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

III-B-1

**Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

Auto Orientated Commercial- Commercial and office development focused primarily on needs and convenience of the motorist, without losing pedestrian access and connection. No residential uses. Situated along arterial roads. Can include a mix of auto- and neighborhood-oriented commercial uses or transition into neighborhood commercial.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

- 1) The applicant is requesting that the City change the zoning of two of their three parcels from RR-1 to MU-C.
- 2) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or else be considered arbitrary and capricious.
- 3) Good zoning practice requires that zone districts be consistent with the future land use category identified for the area. This application is reasonably related to the future land uses in the Comprehensive Land Use Plan.
- 4) No negative impacts to the surrounding area are anticipated.
- 5) The applicant is intending to eventually relocate the congregation to a different location, and sell the existing structure. By rezoning the property to MU-C, the property can be used for many more land uses than the current RR-1 designation.
- 6) The MU-C purpose statement is: "The MU-C district is established to provide for community and regional commercial development along commercial corridors and nodal centers. Intended non-residential uses include retail, lodging, service, and recreational facilities needed to support the community and region, as shown in Table 50-19.8. Development should facilitate pedestrian connections between residential and non-residential uses."
- 7) No City or agency comments have been received.
- 8) Upon receipt of the planning commission recommendation, the council shall make a decision to adopt, adopt with modifications, or deny the rezoning application. The applicant did not submit written consent of 2/3 of property owners within 100 feet of the property to be rezoned. The motion to approve the rezoning from RR-1 to MU-C must prevail with an affirmative vote of 2/3 by the city council.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, Staff recommends that Planning Commission recommend approval of the UDC Map Amendment from RR-1 to MU-C for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed MU-C zone district is consistent with the future land use category "Auto Orientated Commercial".
- 3) Material adverse impacts on nearby properties are not anticipated.

B-2

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**



**PL 14-118, 4602 West Arrowhead  
Rezone from RR-1 to MU-C**



**Legend**

**Zoning Boundaries**

**Vacated ROW**

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, August 19, 2014. Source: City of Duluth.

B-3



PL 14-118, 4602 West Arrowhead  
Rezone from RR-1 to MU-C

Legend

Zoning Boundaries

Zoning Boundaries

Vacated ROW

Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

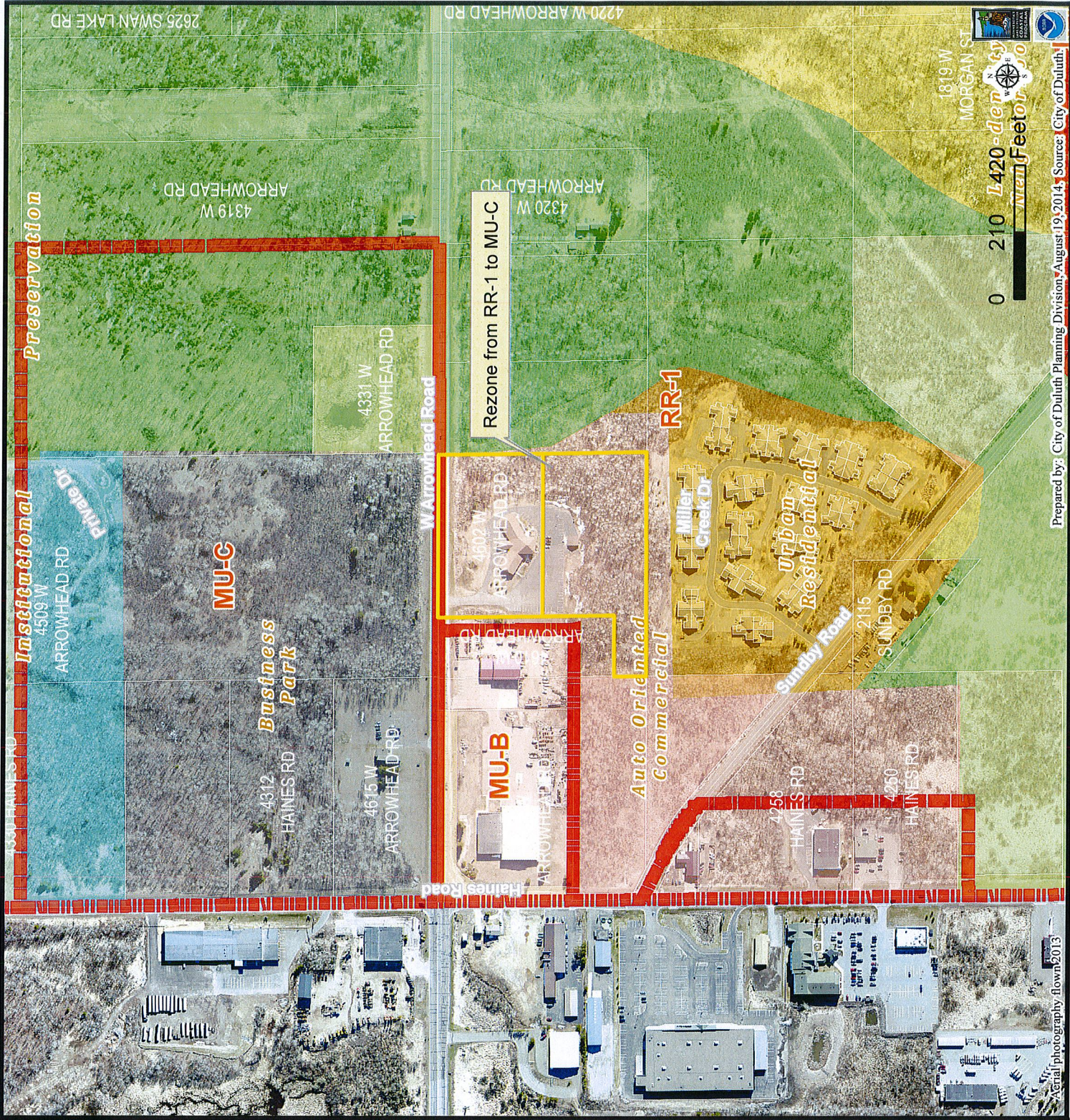
Light Industrial

General Industrial

Transportation and Utilities

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

B-4



Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, August 19, 2014. Source: City of Duluth.



B-5

**Uses Allowed in Residential-Rural 1 (RR-1) Zone District**  
**Revised July 16, 2014**

Permitted Uses

- Dwelling, one family
- Residential care facility/assisted living (6 or fewer)
- Government building or public safety facility
- Park, playground, or forest reserve
- Religious assembly, small (less than 50,000 sq. ft.)
- School, elementary
- Agriculture, general
- Agriculture, urban
- Seasonal camp or cabin
- Day care facility, small (14 or fewer)

Special or Interim Uses

- Cemetery or mausoleum
- Religious assembly, large (50,000 sq. ft. or more)
- School, middle or high
- Kennel
- Riding Stable
- Veterinarian or animal hospital
- Golf course
- Recreational Vehicle Park
- Other outdoor entertainment or recreation use not listed
- Preschool
- Day care facility, large (15 or more)
- Garden material sales
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Radio or television broadcasting tower
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Wind power facility (primary use)
- Solid waste disposal or processing facility

Interim Uses

- Vacation dwelling unit

## **Uses Allowed in Mixed Use-Commercial (MU-C) Zone District**

### **Revised July 16, 2014**

#### Permitted Uses

- Dwelling, multi family
- Dwelling, live-work
- Residential care facility/assisted living (7 or more)
- Rooming house
- Bus or rail transit station
- Club or lodge (private)
- Government building or public safety facility
- Museum, library or art gallery
- Park, playground or forest reserve
- Religious assembly, small
- Religious assembly, large
- Business, art or vocational school
- School, elementary
- Medical or dental clinic
- Nursing home
- Veterinary or animal hospital
- Convention or event center
- Indoor entertainment facility
- Restaurant (small)
- Restaurant (large)
- Theater
- Hotel or motel
- Bed and breakfast
- Bank
- Office
- Data center
- Preschool
- Day care facility, small (14 or fewer)
- Day care facility, large (15 or more)
- Funeral home or crematorium
- Personal service and repair, small
- Personal service and repair, large
- Garden material sales
- Grocery store, small
- Grocery store, large
- Retail store not listed, small
- Retail store not listed, large
- Automobile and light vehicle repair and service
- Automobile and light vehicle sales, rental, or storage
- Filing station
- Parking lot or parking structure (primary use)

#### Special Uses

- Cemetery or mausoleum
- School, middle or high
- Kennel
- Other outdoor entertainment or recreation use not listed
- Building materials sales
- Electric power transmission line or substation
- Major utility or wireless telecommunication facility
- Solar, geothermal, or biomass power facility (primary use)
- Water or sewer pumping stations/reservoirs
- Recycling collection point (primary use)

B-7